

BRADLEY/GROMBACHER LLP

Marcus J. Bradley, Esq (SBN 174156)
Kiley L. Grombacher, Esq. (SBN 245960)
31365 Oak Crest Drive, Suite 240
Westlake Village, CA 91361
Phone: (805) 270-7100
Email: mbradley@bradleygrombacher.com
kgrombacher@bradleygrombacher.com

Attorneys for the Cortez Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

*IN RE: BLACKHAWK NETWORK DATA
BREACH LITIGATION*

This Document Relates To:
3:22-cv-7492-CRB (Cortez)

Case No.: 3:22-cv-07084-CRB
Hon. Charles R. Breyer, Courtroom 6, 17th Floor

**NOTICE OF MOTION AND MOTION TO
EXPEDITE BRIEFING SCHEDULE ON
PLAINTIFFS' MOTION FOR
IMPOSITION OF RULE 7 APPEAL BOND
AGAINST OBJECTORS AND
APPELLANTS MIRIAM "MABEL"
BROWN AND DAVID LOPEZ**

Hearing Date: October 4, 2024
Time: 10:00 a.m.
CR: 6

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

Pursuant to Civil Local Rule 6-3, Plaintiffs in the above captioned action *In Re: Blackhawk Network Data Breach Litigation* (“the Action”) will and hereby do move for an Order to expedite the briefing schedule for the Plaintiffs’ Motion for Imposition of Federal Rule of Appellate Procedure Rule 7 Appeal Bond against Objectors and Appellants Miriam “Mabel” Brown and David Lopez (collectively, “Objectors-Appellants”) and, if the Court decides that a hearing on the motion is necessary, to schedule a hearing on the motion at the Court’s earliest convenience.

Plaintiffs are concerned that, absent relief, Plaintiffs and the Settlement Class will incur substantial, unrecoverable costs related to responding to Objectors-Appellants’ appeal. Expediting the briefing schedule will allow the Court to impose an appeal bond on Objectors-Appellants at an earlier date, creating greater financial security for Plaintiffs as they continue to address the Objectors-Appellants’ appeals, which were are frivolous, meritless, and vexatious.

Therefore, Plaintiffs ask the Court to set an expedited schedule, with Ms. Brown’s and Mr. Lopez’s response(s) to Plaintiffs’ Bond Motion due by September 12, 2024. If the Court decides that a hearing on the Bond is necessary, Plaintiffs request that the hearing take place on October 4, 2024, or such other date available to the Court. In support of this motion, Plaintiffs state as follows:

1. Given the nature of Objectors-Appellants’ appeal, Plaintiffs are beginning the process of attempting to resolve the appeals quickly by moving for sanctions and summary disposition in the Ninth Circuit. At the same time, Plaintiffs are aware that resolution of any appeal can take years. To account for that possibility, Plaintiffs seek the security that would be afforded them by the imposition of a Rule 7 appeal bond against Objectors-Appellants.

2. If the Court does not expedite the briefing on the Bond Motion, Plaintiffs will be forced to continue to incur substantial costs

1 responding to the frivolous appeal, as well as the resulting
2 administrative costs, without any assurance that they will be able to
3 recover those costs if the appeal is denied. Because Local Rule 7-2
4 requires all motions to be notice for hearing no less than thirty-five (35)
5 days after the filing of the motion, the earliest date that Plaintiffs' Bond
6 motion could be heard is October 4, 2024. Plaintiffs respectfully request
7 that Ms. Brown and Mr. Lopez not be allowed to draw this matter out
8 to that date and beyond without being required to post a Rule 7 appeal
9 bond.

10 **3. Shortening the briefing and hearing schedule on the Bond Motion**
11 **would not affect any other pending matters in this case, as the Court**
12 **has already entered final judgment. Other than the Bond Motion, only**
13 **Objectors-Appellants' appeal remains at issue in the Action.**

14 For the above reasons, Plaintiffs respectfully request that the Court grant Plaintiffs' motion
15 and enter Plaintiffs' Proposed Order expediting the briefing schedule.

16 Respectfully submitted,

17 DATED: August 29, 2024

18 **BRADLEY/GROMBACHER LLP**

19 By: /s/ Kiley L. Grombacher

20 Kiley L. Grombacher, Esq.

21 Marcus J. Bradley, Esq.

22 31365 Oak Crest Drive, Suite 240

23 Westlake Village, CA 91361

24 Phone: (805) 270-7100

25 Email: mbradley@bradleygrombacher.com

26 Email: kgrombacher@bradleygrombacher.com

27 *Attorneys for the Cortez Plaintiffs*
28 *and Proposed Class*